

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

DIMEANA L JOHNSON Claimant APAC CUSTOMER SERVICES OF IOWA Employer	68-0157 (9-06) - 3091078 - EI APPEAL NO. 07A-UI-01469-DWT ADMINISTRATIVE LAW JUDGE DECISION OC: 12/10/06 R: 03 Claimant: Respondent (2)
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Section 96.5-1 – Voluntary Quit

STATEMENT OF THE CASE:

APAC Customer Services of Iowa LLC (employer) appealed a representative's January 24, 2007 decision (reference 03) that concluded Dimeana L. Johnson (claimant) was qualified to receive unemployment insurance benefits, and the employer's account was subject to charge because the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits. After hearing notices were mailed to the parties' last-known addresses of record, a telephone hearing was held on February 27, 2007. The claimant failed to respond to the hearing notice by contacting the Appeals Section prior to the hearing and providing the phone number at which he could be contacted to participate in the hearing. As a result, no one represented the claimant. Turkessa Hill, the employer's benefits administrator, appeared on the employer's behalf. Based on the evidence, the arguments of the employer, and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Did the claimant voluntarily quit his employment for reasons that qualify him to receive unemployment insurance benefits?

FINDINGS OF FACT:

The claimant started working for the employer on November 28, 2004. The claimant transferred to a new program in August 2005. In this position the claimant could either work as a customer service representative or as a licensed agent. As a customer service representative, the claimant earned \$9.00 an hour, but as a licensed agent the claimant earned \$13.00 an hour.

The claimant had been a licensed agent before transferring to the new position. When he attempted to renew his license, he could not because of a DUI on his record. Even though the employer would provide any support the claimant needed to renew his license, the employer had no control over whether the state would renew the claimant's license. The employer understood the claimant was not happy with his job when he could not renew his license.

The claimant took some time off to take care of personal issues July 21 through August 16, 2006. On August 16, 2006, the claimant informed the employer he was resigning effective immediately for personal reasons.

REASONING AND CONCLUSIONS OF LAW:

A claimant is not qualified to receive unemployment insurance benefits if he voluntarily quits employment without good cause attributable to the employer. Iowa Code § 96.5-1. The facts establish the claimant quit on August 16, 2006, when he informed the employer he was quitting effective immediately. When a claimant quits, the claimant has the burden to establish he quit with good cause or for reasons that qualify him to receive unemployment insurance benefits. Iowa Code § 96.6-2.

The evidence indicates the claimant quit for personal reasons. The evidence does not establish the claimant quit for reasons that qualify him to receive unemployment insurance benefits. Therefore, as of December 10, 2006, the claimant is not qualified to receive unemployment insurance benefits.

Even though the claimant worked for a subsequent employer, the record does not indicate the claimant earned ten times his weekly benefit amount from the subsequent employer. The claimant has not received any unemployment insurance benefits since he established his claim.

DECISION:

The representative's January 24, 2007 decision (reference 03) is reversed. The claimant voluntarily quit his employment for reasons that do not qualify him to receive unemployment insurance benefits. The claimant is disqualified from receiving unemployment insurance benefits as of December 10, 2006. This disqualification continues until he has been paid ten times his weekly benefit amount for insured work, provided he is otherwise eligible. The employer's account will not be charged.

Debra L. Wise
Administrative Law Judge

Decision Dated and Mailed

dlw/css